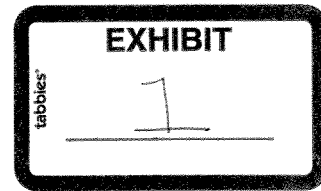


**Bond, Michael R.**

**From:** George, Robert [Robert.George@tyson.com]  
**Sent:** Friday, April 03, 2009 1:02 PM  
**To:** Louis Bullock; Richard Garren  
**Cc:** Bond, Michael R.; jjorgensen@sidley.com  
**Subject:** Oklahoma v. Tyson - Notices of Deposition for Kevin Igli and John Tyson



Louis and Rick,

This is in follow up to our telephone conversation on Wednesday of this week. In that call, we discussed, among other things, the deposition notices you issued on Monday, March 31 for Kevin Igli (Sr. V.P. Environmental Health and Safety) and John Tyson (Chairman of Board of Directors).

As I advised you during the call, Mr. Igli is out of state on the April 16<sup>th</sup> date you unilaterally selected for his deposition. I am also unavailable on April 16 as I have been ordered to appear for a settlement conference on that date in another matter pending before the United States District Court for the Northern District of Oklahoma. As you know, there are numerous depositions (over 50 in total) being held between today and the April 16 cut off. I have responsibility for several of those depositions as do other counsel for Tyson. Mr. Igli also has several unmovable commitments on his calendar between now and April 16. Thus, there is simply no date between today and April 16, on which both Mr. Igli and his defense counsel can be available for his deposition. Mr. Igli and the nature of his position and responsibilities within the company have been known to Plaintiffs since the very beginning of this case. Plaintiffs have had 3 and ½ years to seek to depose him and frankly the delay in requesting this deposition is inexcusable. Nevertheless, and despite the lack of professional courtesy recently shown by other attorneys working for Plaintiffs in regard to Defendants' attempts to schedule depositions, Tyson will agree to produce Mr. Igli for a deposition after current discovery cut off on a date mutually convenient for the parties and counsel if the Court grants Plaintiffs leave to take this deposition beyond the current discovery cut off. Two such dates on which Mr. Igli could be presented for a deposition are May 1<sup>st</sup> and May 15<sup>th</sup>. Please confirm by reply e mail that you will withdraw the current deposition notice for April 16 and seek leave of the Court to depose Mr. Igli on one of these two dates. Absent such confirmation, I will file a motion for protective order with respect to this deposition next week.

With respect to Mr. Tyson, I ask Plaintiffs to withdraw the deposition notice. This deposition is also scheduled for April 16. As indicated above, I have a court-ordered settlement conference on April 16 that would preclude this deposition as currently noticed. As was the case with respect to Mr. Igli, given the deposition schedule in this case and pre-existing commitments of Mr. Tyson, there are no dates between today and April 16, on which both Mr. Tyson and his defense counsel can be available for his deposition. However, the objections to the notice to take the deposition of Mr. Tyson are far more significant than mere scheduling conflicts. In our call on Wednesday, I advised that Mr. Tyson is not an officer of Tyson Foods and has not been for several years now. He is on the board of directors for Tyson Foods but his status as a board member certainly does not justify your request to depose him. Mr. Tyson was the CEO of Tyson Foods for a period of 6 years but Tyson has several former CEOs and Mr. Tyson's prior position as an officer does not justify your request to depose him. In our call, I asked both of you to please provide me with some explanation as to what unique personal knowledge of information relevant to the issues in this case you believe Mr. Tyson may possess. Neither of you could provide such an explanation. In response to further questions, you also confirmed that the deposition notice was not prompted by Mr. Tyson being identified as a particularly knowledgeable witness on a topic in a deposition or by identification of a particular document produced in this case that is uniquely associated with Mr. Tyson. The only explanation you offered for this deposition request was your belief that Mr. Tyson would possess knowledge of the company's "policies" during the time he was the CEO. As you know, Plaintiffs previously issued a 30(b)

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(6) notice to Tyson Foods relating to company policies. On August 20, 2007, we produced the most knowledgeable representative of Tyson Foods on this subject and the Plaintiffs had a full and fair opportunity to obtain all information and testimony it needed from Tyson Foods on this subject. Your belief that Mr. Tyson might also possess some knowledge related to unidentified "policies" because he was the CEO for a six year period, is simply not a sufficient basis for conducting a deposition which very clearly is intended to harass and burden Mr. Tyson. Please confirm by reply e mail that you will withdraw the deposition notice for Mr. Tyson. Absent such confirmation, I will file a motion for protective order with respect to this deposition next week.

My impression from the call on Wednesday is that you are unwilling to be reasonable in addressing the concerns outlined above. I hope that I have misjudged you and that you will respond to this e mail by agreeing to the two reasonable requests above. Either way, please provide me with your response by the end of the day if possible.

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